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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/834,165	04/12/2001	Toshiyuki Tanaka	15162/03520	3597
24367	7590	01/23/2006	EXAMINER	
SIDLEY AUSTIN LLP 717 NORTH HARWOOD SUITE 3400 DALLAS, TX 75201			AGGARWAL, YOGESH K	
			ART UNIT	PAPER NUMBER
			2615	

DATE MAILED: 01/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	Application No. 09/834,165	Applicant(s) TANAKA ET AL.	
	Examiner Yogesh K. Aggarwal	Art Unit 2615	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 02 December 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 4 months from the mailing date of the final rejection.
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).


4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: 25-31.
 Claim(s) withdrawn from consideration: 32-42.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See attached sheet.
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
 13. ☐ Other: _____


DAVID OMETZ
SUPERVISORY PATENT EXAMINER

Examiner's response:

1. Applicant argues with regards to claim 25 that reliance on figure 3 of Miller to teach the recited claimed limitation "wherein said corrector increases contrast in an image displayed on said display and decreases brightness of an image displayed on said display as brightness of said environment light increases" is misplaced. The Examiner respectfully disagrees. Miller clearly states that **perceived contrast of an image changes as the luminance of the image surround changes** wherein the surround is defined as the area around an image extending in all directions (col. 2 lines 8-11). Miller further explains this phenomenon (variation of contrast with the image surround) with regards to figure 3 illustrating a plot relative brightness of image elements as a function of their relative luminances for an average, dim and darkly illuminated surround, which shows that **perceived image contrast increases with increasing surround luminance and decreases with decreasing surround luminance** (col. 2 lines 12-18). Therefore contrast of an image increases as environment light increases. Miller provides a microprocessor (18) as shown in figure 4, which responds to a surround luminance sensor (16) and changes the brightness of the display device via a display controller. Therefore microprocessor (18) is read as an image corrector.

Miller also teaches brightness (relative brightness on Y-axis as shown in figure 3) of an image displayed on said display as decreasing as said environment light increases from DARK to AVERAGE. It is noted by the Examiner that the brightness of surround environment light increases as shown in figure 3 from DARK, DIM to AVERAGE while the relative brightness on Y-axis of the display device decreases, wherein DARK corresponds to least amount of surround light and AVERAGE corresponding to the most surround light.

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2. Applicant argues with regards to claim 27 that Sharman does not disclose detecting any environment light. Miller is being used to show a detector that detects ambient light (col. 4 lines 34-38). Sharman was merely used to show that the detector detecting brightness is **based on a sensitivity of an image pick up device.**

3. Applicant argues with regards to claim 31 that Lee fails to teach a corrector that adjusts the hue of the displayed image in the same direction as the hue of the environment light. Hue as described in Applicant's specification Paragraph 120, by changing the relative relations of the gains in standard state, the white balance, that is, hue can be changed. Therefore hue is the same as white balance. Lee teaches that the MPU 300 judges the kind of light in accordance with the color signal component ratio ($\text{Ratio} = B/R$). The color temperature (white balance, same as hue) are set in accordance with the judged light type for performing a compensation operation (Paragraph 48). Lee further teaches (Paragraph 49) that based on the ratio of judged light (e.g. > 2 corresponding to daylight), the compensation data having a color temperature (white balance) is changed and outputted and similarly for other types of light. Therefore Lee teaches changing white balance of an image (same as hue) in accordance with type of surrounding light (daylight, fluorescent lamp).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh K. Aggarwal whose telephone number is (571) 272-7360. The examiner can normally be reached on M-F 9:00AM-5:30PM.

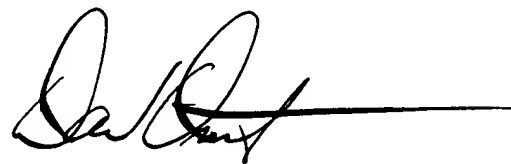
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4. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571)-272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

5. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YKA

January 15, 2006

A handwritten signature in black ink, appearing to read 'David Ometz', with a long horizontal line extending to the right.

DAVID OMETZ
SUPERVISORY PATENT EXAMINER